

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

EMPLOYEES RETIREMENT SYSTEM OF THE
GOVERNMENT OF THE COMMONWEALTH OF
PUERTO RICO,

Debtor.

PROMESA

Title III

No. 17 BK 3566-LTS

**DECLARATION OF MADHU POCHA, ESQ. IN SUPPORT OF RESPONDENTS'
URGENT MOTION IN LIMINE TO EXCLUDE EVIDENCE AND ARGUMENT
REGARDING AN ALLEGED APRIL 27, 2016 MEETING WITH MOVANTS'
REPRESENTATIVES**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

I, Madhu Pocha, state and declare as follows:

1. I am an attorney at the law firm of O'Melveny & Myers LLP, in its office located at 1999 Avenue of the Stars, 8th Floor, Los Angeles, CA 90067. I am a member in good standing of the Bar of California and admitted *pro hac vice* in this proceeding. I submit this declaration in support of the Urgent Motion In Limine To Exclude Evidence And Argument Regarding An Alleged April 27, 2016 Meeting With Movants' Representatives (the "Motion in Limine") filed on behalf of AAFAF, ERS, and the Commonwealth.² Unless otherwise specified, I have personal knowledge of the matters stated herein.

2. On April 26, 2019, Respondents served document and deposition subpoenas on Bruce Bennett, John K. Cunningham, and their law firms. A true and correct copy of the deposition subpoena served on Bruce Bennett is attached as Exhibit A. A true and correct copy of the deposition subpoena served on John K. Cunningham is attached as Exhibit B. A true and correct copy of the document subpoena served on Jones Day is attached as Exhibit C. A true and correct copy of the document subpoena served on White & Case LLP is attached as Exhibit D.

3. On May 3, 2019, Movants served document and deposition subpoenas on James Millstein, Elizabeth Abrams, and Millstein & Co. A true and correct copy of the deposition subpoena served on James Millstein is attached as Exhibit E. A true and correct copy of the deposition subpoena served on Elizabeth Abrams is attached as Exhibit F. A true and correct copy of the document subpoena served on James Millstein is attached as Exhibit G. A true and correct copy of the document subpoena served on Elizabeth Abrams is attached as Exhibit H. A true and correct copy of the document subpoena served on Millstein & Co. LLC is attached as Exhibit I.

² Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Motion in Limine.

4. On May 10, 2019, Respondents and Movants met and conferred via telephone regarding the motion in limine. Respondents informed Movants that Respondents intended to file an urgent motion in limine to exclude evidence concerning the April 27, 2016 meeting from the hearing on Respondents' stay relief motion. Movants consented to the filing of the urgent motion provided that it would be filed within a week and Respondents proposed that the parties hold in abeyance any depositions or document discovery pending resolution of that motion. Movants agreed to do so. *See* May 10, 2019 email correspondence, a true and correct copy of which is attached as Exhibit J. On May 17, 2019, the parties had a telephonic conference and agreed that Respondents' opposition would be due Friday, May 24, 2019 and Movants' reply would be due Thursday, May 30, 2019, subject to the Court's approval.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on May 17, 2019, in San Juan, Puerto Rico.

/s/ Madhu Pocha

Madhu Pocha